

May 24, 2021 **MEMO ENDORSED**

Via Electronic Case Filing

Honorable Katharine H. Parker
United States Magistrate Judge
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Courtroom 17D
New York, New York 10007

Re: Lattner v. New York City Transit Authority, et ano.
Docket No. 20 CV 9508 (PGG)(KHP)

Dear Judge Parker:

This office represents defendant New York City Transit Authority ("NYCT") in the above referenced case. This letter is submitted pursuant to Your Honor's Individual Rule I(c) to respectfully request an adjournment of the May 26, 2021 conference until after NYCT serves a responsive pleading to the Complaint. This is NYCT's first request for an adjournment. Plaintiff Rasheen Tabor Lattner, *pro se*, does not consent to the request.

NYCT requests the adjournment because I was first assigned the above case on Friday, May 21, 2021 and have not had an opportunity to thoroughly review plaintiff's Complaint. NYCT is also in receipt of the United States Marshals Service's Statement of Service of the Summons and Complaint by Mail and Acknowledgment of Receipt by Mail. NYCT has agreed to accept service by mail and returned the Acknowledgment today, waiving formal service of process. In accordance with Rule 4(e)(1) of the Fed. R. Civ. P. and CPLR § 312-a, NYCT's response would be due July 23, 2021.

An adjournment will also allow NYCT's counsel to conduct a representation interview of the individual defendant, Hope Caliendo-Solomon, in accordance with the Public Authorities Law prior to the conference. Should NYCT's counsel represent Ms. Caliendo-Solomon, NYCT's counsel would be able to represent all parties at conferences and serve a single responsive pleading to the Complaint, including any Rule 12 motions if appropriate.¹

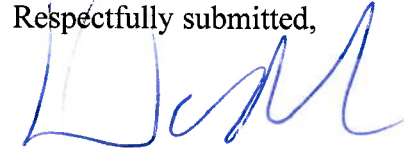
¹ According to Docket Entry No. 11, service of process for Ms. Caliendo-Solomon was attempted at 130 Livingston Street, Brooklyn, New York. Ms. Caliendo-Solomon has not received the Summons and Complaint and 130 Livingston Street is not Ms. Caliendo-Solomon's
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Based on the foregoing, it is respectfully requested that the May 26, 2021 conference be adjourned to a date after July 23, 2021, the date NYCT is required to submit a responsive pleading.

Thank you for your consideration of this request.

Respectfully submitted,



Daniel Chiu


cc: Rasheen Tabor Lattner, *pro se* (via electronic mail)

APPLICATION GRANTED: The telephonic Initial Case Management Conference scheduled for Wednesday, May 26, 2021 at 11:30 a.m. is hereby converted to an in-person proceeding and rescheduled to Wednesday, August 11, 2021 at 12:30 p.m. in Courtroom 17D, United States Courthouse, 500 Pearl Street, New York, New York. Counsel and parties are required to follow the Court's COVID-safety protocols and should review the Court's website 2 weeks in advance of the conference for the most up to date information.

The Defendant is ordered to email a copy of this endorsement to the Plaintiff.

The Clerk of Court is requested to mail a copy of this endorsement to the Plaintiff.

APPLICATION GRANTED



Hon. Katharine H. Parker, U.S.M.J.

05/24/2021

regular work location. Upon completion of the representation interview and formal representation of Ms. Caliendo-Solomon, NYCT's counsel would be able to waive service of process for Ms. Caliendo-Solomon, avoiding the possibility of any motion practice based on lack of personal jurisdiction.